Remarks

The Office Action mailed May 21, 2007 and made final has been carefully reviewed and the following remarks are submitted in consequence thereof.

Claims 27-52 are pending in this application. Claims 27-52 stand rejected. Claims 1-26 have been cancelled without prejudice.

The present amendment is intended to place the application in condition for allowance. Non-elected Claims 1-23 and Claims 24-26 have been previously cancelled. Applicants wish to emphasize that the cancellation of Claims 1-26 is without prejudice, and Applicants reserve the right to file a divisional application or applications to prosecute the subject matter of these claims.

The rejection of Claims 27-52 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

The Office Action asserts that "[t]he preamble of Claim 50 recites 'a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary' . . . and it is not clear from the body of the claims as to how this objective is achieved." Applicants respectfully traverse this assertion. Applicants submit that Claim 50 is directed to a system that includes a plurality of remote computers including a computer associated with a financing subsidiary, a computer associated with a trading subsidiary, a computer associated with a seller of goods and a computer associated with a buyer of goods, a database, and a server coupled to the database, wherein the server is connected through a network to the financing subsidiary computer, the trading subsidiary computer, the seller computer and the buyer computer, and wherein the server is configured to perform certain specific tasks such as receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary the accounts receivable to provide financing to the trading subsidiary for the sale of additional goods. For at least these reasons, Applicants respectfully submit that Claim 50 is definite and distinctly claims the subject matter of the invention.

The Office Action further asserts that there is "no guarantee that the purchase of accounts receivable actually takes place" in the last recitation of Claim 50. Applicants

respectfully traverse this assertion. However, Applicants have amended Claim 50 to recite "the server configured to . . . receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary . . . ." For at least these reasons, Applicants respectfully submit that Claim 50 is definite and distinctly claims the subject matter of the invention.

Moreover, the Office Action asserts that "the limitation 'to provide financing to the trading subsidiary for the sale of additional goods' is interpreted as an intended use and not a positively recited limitation." Applicants respectfully traverse this assertion. Applicants submit that Claim 50 has been amended as discussed above. For at least these reasons, Applicants respectfully submit that Claim 50 is definite and distinctly claims the subject matter of the invention.

The Office Action also asserts that "the limitations 'prompt a user to approve', 'prompt the seller to assign the rights', and 'prompt the trading subsidiary to sell accounts receivable' . . . is not clear as to . . . the outcomes of these limitations . . .." The Office Action states that the "ambiguities render the scope of the claim indeterminate." Applicants respectfully traverse this assertion. Applicants submit that Claim 50 has been amended as recited above. Applicants submit that Claim 50 is not ambiguous, and the scope of Claim 50 is clearly defined. For at least these reasons, Applicants respectfully submit that Claim 50 is definite and distinctly claims the subject matter of the invention.

Claims 27-49, 51, and 52 depend from independent Claim 50. Dependent Claim 51 has also been amended. When the recitations of Claims 27-49, 51, and 52 are considered in combination with the recitations of Claim 50, Applicants submit that Claims 27-49, 51, and 52 are likewise submitted to satisfy the requirements of Section 112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 27-52 under Section 112, second paragraph, be withdrawn.

The rejection of Claims 27-52 under 35 U.S.C. § 101 is respectfully traversed.

Applicants submit that Claim 50 is directed to a useful process that is considered to be within "the technological arts". Accordingly, as explained below, Claim 50 is directed to statutory subject matter. Independent Claim 50 is a system directed to executing and financing transactions of goods for a parent company through a wholly owned financing

subsidiary and a wholly owned trading subsidiary. Specifically, Claim 50 recites a system including a plurality of remote computers, a database, and a server configured to "receive first approval data from the trading subsidiary computer indicating a user associated with the trading subsidiary has approved a seller and a buyer for participation . . . store within the database a seller participation agreement . . . receive an order submitted through the buyer computer from the buyer for purchasing a good. . . receive assignment data from the seller computer indicating the seller has assigned all rights in the ordered good to the trading subsidiary . . . receive sell data from the trading subsidiary computer indicating the trading subsidiary has sold accounts receivable . . . receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary the accounts receivable to provide financing to the trading subsidiary for the sale of additional goods." Thus, Claim 50 recites a system that uses a plurality of remote computers, a database, and a server configured to perform a plurality of clearly identified tasks for financing transactions of goods. Claim 50 is therefore directed to a practical application in the technological arts. Accordingly, Claim 50 is directed to statutory subject matter.

Moreover, The Office Action asserts that "[t]he preamble of Claim 50 recites 'a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary' . . . and it is not clear from the body of the claims as to how this objective is achieved." Applicants respectfully traverse this assertion. Applicants submit that Claim 50 clearly recites a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary. For at least these reasons, Applicants respectfully submit that Claim 50 is therefore directed to a practical application in the technological arts. Accordingly, Claim 50 is directed to statutory subject matter.

The Office Action further asserts that there is "no guarantee that the purchase of accounts receivable actually takes place" in the last limitation of Claim 50. Applicants respectfully traverse this assertion. Applicants submit that Claim 50 has been amended. For example, Claim 50 recites "the server configured to . . . receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary . . . ." For at least these reasons, Applicants respectfully submit that Claim

50 is therefore directed to a practical application in the technological arts. Accordingly, Claim 50 is directed to statutory subject matter.

Moreover, the Office Action asserts that "the limitation 'to provide financing to the trading subsidiary for the sale of additional goods' is interpreted as an intended use and not a positively recited limitation." Applicants respectfully traverse this assertion. Applicants submit that Claim 50 has been amended as recited above. For at least the reasons stated above, Applicants respectfully submit that Claim 50 is directed to a practical application in the technological arts. Accordingly, Claim 50 is directed to statutory subject matter.

The Office Action also asserts that "the limitations 'prompt a user to approve', 'prompt the seller to assign the rights', and 'prompt the trading subsidiary to sell accounts receivable' . . . is not clear as to . . . the outcomes of these limitations . . .." The Office Action recites that the ambiguities render the scope of the claim indeterminable. Applicants respectfully traverse this assertion. Applicants submit that Claim 50 has been amended such that Claim 50 no longer includes "prompt a user to approve", "prompt the seller to assign the rights", and "prompt the trading subsidiary to sell accounts receivable". For at least these reasons, Applicants respectfully submit that Claim 50 is directed to a practical application in the technological arts. Accordingly, Claim 50 is directed to statutory subject matter.

Moreover, the Office Action asserts that "applicant's claims . . . are intended to embrace or overlap two different statutory classes . . . by discussing a system . . . and then the body of the claim discusses the specifics of a method . . ." Applicants traverse this assertion. Applicants submit that Claim 50 is clearly directed to a system that includes a plurality of remote computers, a database, a server coupled to the database, wherein the server is connected through a network to the remote computers, and wherein the server is configured to perform several recited tasks. In other words, Claim 50 clearly recites a system and does not overlap two different statutory classes. For at least these reasons, Applicants respectfully submit that Claim 50 is directed to a single statutory class, i.e., a system or apparatus.

Claims 27-49, 51, and 52 depend from independent Claim 50. When the recitations of Claims 27-49, 51, and 52 are considered in combination with the recitations of Claim 50, Applicants submit that Claims 27-49, 51, and 52 are likewise submitted to satisfy Section 101.

For at least the reasons stated above, Applicants respectfully request that the Section 101 rejection of Claims 27-52 be withdrawn.

The rejection of Claims 27-52 under 35 U.S.C. § 103(a) as being unpatentable over Purcell (U.S. Patent 5,940,807) is respectfully traversed.

Applicants submit that Purcell does not describe or suggest the claimed invention. Specifically, Purcell does not describe or suggest a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary, the system including a plurality of remote computers including a computer associated with the financing subsidiary, a computer associated with the trading subsidiary, a computer associated with a seller of goods and a computer associated with a buyer of goods, a database for storing data, a server coupled to the database and connected through a network to the financing subsidiary computer, the trading subsidiary computer, the seller computer and the buyer computer, wherein the server is configured to *receive first approval data from the trading subsidiary computer indicating a user associated with the trading subsidiary has approved a seller and a buyer for participation within the system.* (Emphasis added.)

Moreover, Purcell does not describe or suggest a server configured to *store within the database a seller participation agreement for the seller approved by the trading subsidiary,* and a buyer participation agreement for the buyer approved by the trading subsidiary, and receive an order submitted through the buyer computer from the buyer for purchasing a good offered for sale by the seller, *the buyer agreeing to pay the trading subsidiary for the ordered good pursuant to the buyer participation agreement stored within the database.* (Emphasis added.)

Furthermore, Purcell does not describe or suggest a server configured to *receive assignment data from the seller computer indicating the seller has assigned all rights in the ordered good to the trading subsidiary pursuant to the seller participation agreement stored within the database* wherein the trading subsidiary pays the seller for the ordered good and requests that the seller ship the ordered good to the buyer pursuant to the seller participation agreement, and *receive sell data from the trading subsidiary computer indicating the trading subsidiary has sold accounts receivable relating to the purchasing of the ordered good by the buyer.* (Emphasis added.)

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Additionally, Purcell does not describe or suggest a server configured *receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary the accounts receivable* to provide financing to the trading subsidiary for the sale of additional goods. (Emphasis added.)

Rather, Purcell describes a method for controlling the collection, processing and dissemination of information by a host regarding product and service availability. The method includes the steps of establishing a host operated information management system wherein the information management system is a computer having information processing and storage capabilities. The host also has electronic communication connections such as modems that permit third parties to electronically connect with the information management system for exchanging information therewith. Host approved sellers of products and services are granted limited electronic access to the information management system so that each approved seller then has a self-initiated capability to exclusively access that seller's inventory information that is maintained on the information management system for adding, amending and deleting portions of the seller's inventory information. The seller's inventory information is analyzed and assimilated into a buyers listing of products and services available through the information management system to potential buyers. Host approved buyers of products and services are granted limited electronic access to the information management system so that each approved buyer has a self-initiatable capability to access the buyers listing for reviewing products and services of interest to that buyer. Within the information management system, the capability is provided for a purchase transaction to be initiated by an approved buyer who electronically designates a product or service of interest for purchase from the buyers listing.

Claim 50 recites a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary, wherein the financing subsidiary and the trading subsidiary are wholly owned by the parent company, wherein the system comprises "a plurality of remote computers including a computer associated with the financing subsidiary, a computer associated with the trading subsidiary, a computer associated with a seller of goods and a computer associated with a buyer of goods...a database for storing data relating to a buying, selling and financing of the goods between the financing subsidiary, the trading subsidiary, the seller and the buyer...a server coupled to the database, the server connected through a network to the

financing subsidiary computer, the trading subsidiary computer, the seller computer and the buyer computer, the server configured to... receive first approval data from the trading subsidiary computer indicating a user associated with the trading subsidiary has approved a seller and a buyer for participation within the system...store within the database a seller participation agreement for the seller approved by the trading subsidiary, and a buyer participation agreement for the buyer approved by the trading subsidiary...receive an order submitted through the buyer computer from the buyer for purchasing a good offered for sale by the seller, the buyer agreeing to pay the trading subsidiary for the ordered good pursuant to the buyer participation agreement stored within the database...receive assignment data from the seller computer indicating the seller has assigned all rights in the ordered good to the trading subsidiary pursuant to the seller participation agreement stored within the database, the trading subsidiary pays the seller for the ordered good and requests that the seller ship the ordered good to the buyer pursuant to the seller participation agreement...receive sell data from the trading subsidiary computer indicating the trading subsidiary has sold accounts receivable relating to the purchasing of the ordered good by the buyer...receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary the accounts receivable to provide financing to the trading subsidiary for the sale of additional goods."

Purcell does not describe or suggest the a system as is recited in Claim 50. Specifically, and as acknowledged by the Office Action, Purcell does not describe or suggest a system for executing and financing transactions of goods for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary, the system including a plurality of remote computers including a computer associated with the financing subsidiary, a computer associated with the trading subsidiary, a computer associated with a seller of goods and a computer associated with a buyer of goods, a database for storing data, and a server coupled to the database and connected through a network to the financing subsidiary computer, the trading subsidiary computer, the seller computer and the buyer computer, wherein the server is configured to receive first approval data from the trading subsidiary computer indicating a user associated with the trading subsidiary has approved a seller and a buyer for participation within the system.

Moreover, Purcell does not describe or suggest a server configured to store within the database a seller participation agreement for the seller approved by the trading subsidiary and

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a buyer participation agreement for the buyer approved by the trading subsidiary, and receive an order submitted through the buyer computer from the buyer for purchasing a good offered for sale by the seller wherein the buyer agrees to pay the trading subsidiary for the ordered good pursuant to the buyer participation agreement stored within the database.

Furthermore, Purcell does not describe or suggest a server configured to receive assignment data from the seller computer indicating the seller has assigned all rights in the ordered good to the trading subsidiary pursuant to the seller participation agreement stored within the database wherein the trading subsidiary pays the seller for the ordered good and requests that the seller ship the ordered good to the buyer pursuant to the seller participation agreement, and receive sell data from the trading subsidiary computer indicating the trading subsidiary has sold accounts receivable relating to the purchasing of the ordered good by the buyer.

Additionally, Purcell does not describe or suggest a server configured receive purchase data from the financing subsidiary computer indicating the financing subsidiary has purchased from the trading subsidiary the accounts receivable to provide financing to the trading subsidiary for the sale of additional goods.

Rather, Purcell describes a method for controlling the collection, processing and dissemination of information by a host regarding product and service availability. The method includes the steps of establishing a host operated information management system and providing that host with electronic communication connections such for exchanging information. Host approved sellers and buyers of are granted limited electronic access to the information management system so that each approved buyer has a capability to access a buyers listing for reviewing products and services. Within the information management system, the capability is provided for a purchase transaction to be initiated by an approved buyer who electronically designates a product or service of interest for purchase from the buyers listing.

Accordingly, Applicants submit that Claim 50 is patentable over Purcell.

Moreover, the Office Action asserts that "the limitations 'prompt a user to approve', 'prompt the seller to assign the rights', and 'prompt the trading subsidiary to sell accounts receivable' . . . is not clear as to . . . the outcomes of these limitations . . .." Applicants

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respectfully traverse this assertion. Applicants submit that Claim 50 has been amended to recite a server configured to perform certain specific tasks. For at least these reasons, Applicants respectfully submit that Claim 50 is patentable over Purcell.

Claims 27-49, 51, and 52 depend from independent Claim 50. When the recitations of Claims 27-49, 51, and 52 are considered in combination with the recitations of Claim 50, Applicants submit that Claims 27-49, 51, and 52 are likewise patentable over Purcell.

For at least the reasons stated above, Applicant respectfully request that the Section 103 rejection of Claims 27-52 be withdrawn.

In addition to the arguments set forth above, Applicants further submit that the Section 103 rejection of Claims 27-52 is not a proper rejection. The mere assertion that such a system would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicants given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Therefore, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 27-52 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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